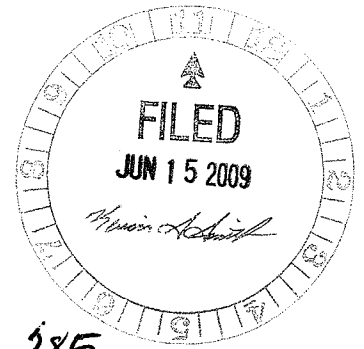


In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR HOWARD COUNTY)

Case No. 34S00-0906-MS-285

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Howard Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E) and appointment of special judges in accordance with Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Howard Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR34-AR1-2 and LR34-CR2.2-29, comply with the requirements of Ind. Administrative Rule 1(E) and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Howard County Local Rules, LR34-AR1-2 and LR34-CR2.2-29, set forth as an attachment to this Order, are approved effective June 1, 2009, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Lynn Murray; the Hon. William C. Menges, Jr.; the Hon. Stephen M. Jessup; the Hon. Douglas A. Tate; the Hon. George A. Hopkins; and to the Clerk of the Howard Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Howard Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 15th day of June, 2009.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

LR34-AR1-2**ASSIGNMENT OF CASE FILINGS**

- A. HOWARD CIRCUIT COURT: All Juvenile Matters, Adoptions and other cases required by law to be filed in the Circuit Court shall be filed in the Howard Circuit Court.
- B. HOWARD SUPERIOR COURTS I, II, & IV: Mental Health Matters shall be filed in the Howard superior Court I, the Howard Superior Court II or the Howard superior Court IV. The court of filing shall be determined by random selection, by the clerk.
- C. HOWARD SUPERIOR COURT III: Small Claims, Infractions, and Ordinance Violations shall be filed in the Howard Superior Court III.
- D. HOWARD SUPERIOR COURT I: Miscellaneous Matters (MI) shall be filed in Howard Superior Court I.
- E. OTHER CIVIL FILINGS: All other civil cases shall be filed in the Howard Circuit Court, the Howard Superior Court II, or the Howard Superior Court IV. The court of filing shall be determined by random selection, by the Clerk, using a method which will result in thirty percent (30%) being filed in Circuit Court, and thirty-five percent (35%) being filed in Superior Court II, and thirty-five percent (35%) being filed in Superior Court IV.

LR34-CR2.2-29**FILING CRIMINAL CASES**

A. WEEKLY ROTATION: Beginning January 2, 2006, weekly rotation will be as follows:

- 1. Week # 1 - Circuit Court
- 2. Week # 2 - Superior Court II
- 3. Week # 3 - Superior Court IV

Weekly rotation thereafter will be from 12:01 a.m. Monday until twelve o'clock midnight Sunday each week.

The Clerk shall maintain a projected calendar for one year in advance showing the weekly rotation and shall in retrospect project a calendar for the previous one year and beyond if necessary for weekly rotation.

The weekly rotation calendar shall be public and posted in the Clerk's office and in each court participating in the weekly rotation.

B. FILING FELONIES: The court in which criminal charges shall be filed, other than as hereafter provided, will be the court on weekly rotation on the day on which the offense alleged in the charging document occurred with the following guidelines:

1. Where multiple offenses are filed, the date of the earliest offense alleged in the charging document shall control the rotation date.
2. In other cases where the date of the case is ambiguous, or covers a period of time, or is not otherwise specifically alleged, the controlling date will be the date that the Prosecutor's Office logged in the original complaint, case, report, or other notification of the alleged offense. The Prosecutor shall maintain a system of logging in cases which shall be open for reasonable inspection by the courts and members of the Bar.
3. In cases where the charges are drawn under IC 35-48, the cases shall be filed in Superior Court I. In the event of multiple counts, with charges drawn under IC 35-48, and other criminal statutes, the case shall be filed in the court which would otherwise be proper for the highest charged class of felony. Provided, however, in cases where the highest felonies are of the same class, the cases shall be filed in Superior Court I.
4. In cases where the charges are drawn under IC 35-46-1-15.1, IC 35-42-2-1.3, or, if the victim is or was the spouse of the accused, is or was living as the spouse of the accused, or has a child in common with the accused, under IC 35-43-1-2, 35-43-2-1.5, 35-43-2-2, 35-45-2-1, 35-45-2-2, 35-45-2-5 or 35-45-10-5 (all hereinafter collectively referred to as "domestic or family violence"), the cases shall be filed in Superior Court I. In the event of multiple counts, with charges involving domestic or family violence and other criminal statutes, the case shall be filed in the court which would otherwise be proper for the highest charged class of felony. Provided, however, in cases where the highest felonies are of the same class, the cases shall be filed in Superior Court I.
5. In case where the accused has a previously filed and pending felony charge(s), and is charged with subsequent felony, the subsequent case shall be filed in the court in which the previously filed case is pending.

6. All cases involving the transfer of probation to Howard County shall be filed in Howard Superior Court I.

C. SUPERIOR COURT III: This court will be the court in which misdemeanors, other than those referred to in B(3) or B(4) hereof, and Class D felonies involving the operation of a motor vehicle are filed, with the following qualifications:

1. A misdemeanor charge which is filed contemporaneous with a felony charge against the same individual will be filed in the court where the felony charge is filed.
2. Where a defendant has a pending felony charge, a subsequent misdemeanor charge will be filed in the court in which the felony charge is pending.
3. Where a defendant has a pending misdemeanor charge and a subsequent felony charge is filed, the misdemeanor charge will remain in Superior Court III, or with the consent of the accused, the Prosecutor, and the Judge of the Superior Court III, may be transferred to the court having the felony case under Transfer of Action, Local Civil Rule 3.

D. CHANGE OF JUDGE: Where there has been a change of venue granted, the Clerk shall select the new court by random selection from the other four (4) Howard County Courts.

After selection, the cause may then be reassigned to the new court by transfer under LR-TR76-3.